

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **FINANCE**

DATE: **AUGUST 6, 2008**

Committee Members Present:

Supervisors	Stec
	Belden
	O'Connor
	Bentley
	Tessier
	Champagne
	VanNess
	Kenny
	Merlino

Others Present:

Fred Monroe, Chairman
Hal Payne, Commissioner of
Administrative & Fiscal Services
Joan Sady, Clerk of the Board
Paul Dusek, County Attorney
JoAnn McKinstry, Deputy Commissioner of
Administrative & Fiscal Services
Kevin Geraghty, Budget Officer
Supervisor Strainer
Supervisor Thomas
Richard Murphy, Deputy Commissioner of
Fiscal Services
Rob Lynch, Deputy County Treasurer
Paul Butler, Director, Parks Recreation &
Railroad
William Lamy, DPW Superintendent
Bud York, Sheriff
Shane Ross, Chief Deputy
Nicole Livingston, Deputy Clerk

Mr. Stec called the meeting to order at 10:05 a.m.

Motion was made by Mr. Tessier, seconded by Mr. Belden and carried unanimously to approve the minutes of the July 9, 2008 Committee meeting, subject to correction by the Clerk of the Board.

Copies of the Finance Agenda were provided to the Committee members, and a copy of same is on file with the minutes.

Commencing the Agenda Review, Mr. Stec stated Item 1 were the requests for Transfer of Funds which were attached for Committee approval. He noted that Supervisory Committee approval had been obtained as necessary.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to approve Item 1 as outlined above, and the necessary resolution was authorized for the next board meeting.

Item 2, Mr. Stec advised, was a referral from the County Facilities Committee, requesting to establish Capital Reserve Project No. H291.9550 280-Elevator Repair-Municipal Center, in the amount of \$41,800 for elevator repair and maintenance, with the source of funding to be transferred from Rehabilitation of County Building Reserve.

Motion was made by Mr. Tessier, seconded by Mr. Belden and carried unanimously to approve Item 2 as outlined above, and the necessary resolution was authorized for the next board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Stec expounded Item 3 was a referral from the County Treasurer, requesting a new contract with Harbridge Consulting for actuarial services- GASB #45, for a lump sum amount of \$8,200, with the source of funding to be A.1325.470 - County Treasurer-Contract.

Motion was made by Mr. Tessier and seconded by Mr. Kenny to approve the request as presented.

Mr. Stec reported that GASB #45 would establish possible requirements for retirement benefits. Mr. Belden questioned if this service was mandated by the State and Mr. Stec replied it was an accounting standard that required municipalities to identify potential exposure for future retirees benefits. Mr. Stec added it could effect the County's future bond rating, depending whether or not the County was GASB #45 compliant.

Rob Lynch, Deputy County Treasurer, explained that GASB #45 would provide a footnote in the County's financial statements, disclosing what the County's future responsibility would be for retirees health insurance. He further stated that it was required of the County to be compliant. Paul Dusek, County Attorney, confirmed that the County was required to be GASB #45 compliant.

Following discussions, Mr. Stec called the question and the motion was carried by majority vote to approve Item 3 as outlined above, with Messrs. Stec and Belden voting in opposition. The necessary resolution was authorized for the next board meeting, and a copy of the resolution request form is on file with the minutes.

Continuing the Agenda review, Mr. Stec apprised Item 4 was a referral from the Health Services Committee requesting to amend the 2008 County budget to increase estimated revenues and appropriations in the amount of \$40,000 to reflect receipt of the Bioterrorism Grant for the contract year 2008-2009.

Motion was made by Mr. Champagne, seconded by Mr. Belden and carried unanimously to approve Item 4 as outlined above, and the necessary resolution was authorized for the next board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Stec reported that Items 5A and B were referrals from the Planning and Community Development Committee. Item 5A, he said, was a request to amend the 2008 County budget to increase estimated revenues and appropriations in the amount of \$125,000 to reflect receipt of the Housing Trust Fund Corporation (HTFC) Restore

Program funds and to establish code CD 67 for the new grant award. He added that Item 5B was a request to amend the 2008 County budget to increase estimated revenues and appropriations in the amount of \$300,000 to reflect receipt of the HTFC Home Program funds and to establish code CD 68 for the new grant award.

Motion was made by Mr. Champagne, seconded by Mr. Tessier and carried unanimously to approve Items 5A and B as outlined above, and the necessary resolution was authorized for the next board meeting. Copies of the resolution request forms are on file with the minutes.

Mr. Stec advised Item 6 was a referral from the Public Safety Committee, Sheriff & Communications, requesting to amend the 2008 County budget to increase estimated revenues and appropriations in the amount of \$2,100 to reflect receipt of revenues obtained from the Wireless 911 Reimbursement Program.

Motion was made by Mr. Merlino, seconded by Mr. Bentley and carried unanimously to approve Item 6 as outlined above, and the necessary resolution was authorized for the next board meeting. A copy of the resolution request form is on file with the minutes.

Mr. VanNess entered the meeting at 10:11 a.m.

Mr. Stec stated Items 7A through C were referrals from the Public Works Committee. Item 7A, Mr. Stec said, was referred by the Airport, requesting to amend the 2008 County budget to increase estimated revenues and appropriations in the amount of \$36,075 to reflect receipt of FAA AIP grant funds for the purchase of snow removal equipment at the airport.

Motion was made by Mr. Tessier, seconded by Mr. Bentley and carried unanimously to approve Item 7A as outlined above, and the necessary resolution was authorized for the next board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Stec added Item 7B was referred by the Parks, Recreation & Railroad, requesting to amend the 2008 County budget to increase estimated revenues and appropriations in the amount of \$55,000 to reflect receipt of AGFTC grant award for improvements along the bikeway.

Motion was made by Mr. Merlino and seconded by Mr. Champagne to approve the request as presented.

Mr. Belden asked if the funds could be used for the paving work that the Department performed on the bikeway and Paul Butler, Director of Parks, Recreation & Railroad,

replied affirmatively, that the funds would be used for paving, milling and shoulder work along the bikeway.

Mr. Stec called the question and the motion was carried unanimously to approve Item 7B as outlined above, and the necessary resolution was authorized for the next board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Stec noted Item 7C was referred by DPW, requesting to authorize the conveyance of County real property (Tax Map No. 103.-2-22) located in the Town of Chester to Riverside Gas and Oil Co. for the sum of \$2,000.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to approve Item 7C as outlined above, and the necessary resolution was authorized for the next board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Stec apprised Items 8A and B were referrals from the Tourism Committee. Item 8A, he said, was a request to amend the 2008 County budget to increase estimated revenues and appropriations in the amount of \$71,195 to reflect receipt of revenues received for the 2009 Warren County Travel Guide. He added that Item 8B was a request to amend the 2008 County budget to increase estimated revenues and appropriations in the amount of \$5,224 to reflect receipt of revenues received for the 2009 Warren County Group Tour Planner.

Motion was made by Mr. Tessier, seconded by Mr. Merlino and carried unanimously to approve Items 8A and B as outlined above, and the necessary resolution was authorized for the next board meeting. Copies of the resolution request forms are on file with the minutes.

Mr. Stec reported Item 9 was a request from Chairman Monroe to address the Committee regarding the sale of County property at the intersection of Gurney Lane and Route 9. He noted that Resolution No. 464 of 2007 was attached for review.

Chairman Monroe said the County needed to seriously consider selling unused property and he added that he believed that the property across the road that was being discussed was very valuable and he could not foresee it ever being used for County purposes in the future. He suggested that the property be placed on the market with an open bid, allowing the County the right to reject any bid, which could lead to a high offer. Mr. VanNess reminded the Committee that the parcel in discussion was on the market a few years ago with a minimum bid of \$1.3 million.

Motion was made by Mr. VanNess and seconded by Mr. Belden to advertise for the sale of Tax Map Parcel No. 288.-1-62 with no minimum bid required, and providing the County the right to refuse any and all bids.

Mr. Belden suggested that the other County-owned parcel adjacent to the aforementioned property be included in the motion as well.

Mr. Dusek recommended that a clause be included that stated that the successful bidder be responsible for any surveys and subdivision approvals if necessary.

Mr. VanNess amended his motion to include Tax Map Parcel No. 288.-1-49 to be advertised for the sale along with Tax Map Parcel No. 288.-1-62, to go out as separate bids and separate parcels and to include a clause that stated that the successful bidder be responsible for any surveys and subdivision approvals if necessary. Mr. Belden seconded the amended motion.

Discussion ensued. In response to an inquiry, Mr. Dusek explained that the properties could not be listed with a realtor under law. He further stated that there were two different sets of laws which applied to foreclosed upon properties for tax purposes, which did provide more flexibility; however, he said, property that was owned by the County and considered surplus property, according to County law, which was established by State law, it must be declared surplus and it must be put out to bid.

Mr. Payne reported that he had spoken with Len Fosbrook, President of the Economic Development Corporation (EDC), who advised that EDC had two national websites that listed developmental properties for corporations. He noted that the aforementioned properties could be listed on the national websites as well. Mr. Stec suggested that posting the properties on the national websites be included in the motion.

Mr. VanNess amended his motion to include that the information on the properties be forwarded to EDC to be posted on the national website and Mr. Belden seconded the amended motion.

Following discussions, Mr. Stec called the question and the motion was carried unanimously to advertise for the sale of Tax Map Parcel No. 288.-1-62 and No. 288.-1-49, to go out as separate bids and separate parcels and to include a clause that stated that the successful bidder be responsible for any surveys and subdivision approvals if necessary, with no minimum bid required, and providing the County the right to refuse any and all bids, and that the information on the properties be forwarded to EDC to be posted on the national website.

Returning to the Agenda review, Mr. Stec apprised Items 10A through C were requests from Paul Dusek , County Attorney, to address the Committee regarding the following:

A) Perkins interest in possibly acquiring the Ciba-Geigy property;

B) Alliance Labor Negotiations; and

C) Litigation - Alexy et. al. v. Otte (Town of Queensbury Real Property Tax Article and CPLR 78 matters).

Mr. Dusek said with regard to Item 10A, he had been contacted by the attorney representing Perkins Recycling and they had expressed interest in purchasing the Ciba-Geigy property. He reminded the Committee that the site was unique and consisted of approximately fourteen acres and currently, Perkins was leasing a small portion of the property from the County. He stated that when the property had been acquired from Ciba-Geigy, there was a provision in which the County would indemnify Ciba-Geigy against any kind of liability that could arise in the future concerning contamination at the site.

Discussion ensued with respect to the site and items that occupied it. Mr. Dusek expressed his concern that if the property was sold and was set up in a typical fashion in which it would be a corporation that owned the property that may or may not have significant assets, if something were to happen on that site, the County would be responsible for any contamination on the site. He further stated the only way that parcel could ever be sold would be if the County obtained an insurance policy or some sort of protection against that liability or the County could perform a full scale environmental audit of the property prior to selling it.

Motion was made by Mr. Bentley, seconded by Mr. VanNess and carried by a majority vote to determine the exact acreage that Perkins Recycling was interested in purchasing and to pursue the sale of the Ciba-Geigy property, including further research of the County's obligations to DEC (Department of Environmental Conservation), with Messrs. Kenny, Champagne and Stec voting in opposition.

Mr. Dusek expounded Item 10B concerned Sheriff's Employees Alliance Labor Negotiations. He announced that the Alliance did approve the proposal for the settlement of the union contract for 2008, 2009 and 2010 and the next step was for the County to approve the contract.

Motion was made by Mr. VanNess, seconded by Mr. Champagne and carried unanimously to approve the agreement with the Sheriff's Employees Alliance for 2008, 2009 and 2010. The necessary resolution was authorized for the next board meeting.

Mr. Dusek advised Item 10C was in connection to litigation- Alexy et. al. v. Otte (Town of Queensbury Real Property Tax Article and CPLR 78 matters). He stated that the matter concerned real property taxes in the Town of Queensbury and that the Town

had agreed to settle this litigation. He noted that the County was involved by virtue of the fact of an Article 78 that was commenced. He explained that an Article 78 proceeding attacked the assessment roll itself, stating that the Assessor did the wrong job and it requested the court to upset the assessment roll, causing a re-assessment of all properties. Mr. Dusek said the Town had agreed to settle by giving 12% reductions to 48 of the 68 properties that challenged this. He concluded that his recommendation would be for the County to settle as well.

Motion was made by Mr. Champagne and seconded by Mr. Bentley to agree to settle the litigation Alexy et. al. v. Otte (Town of Queensbury Real Property Tax Article and CPLR 78 matters).

Discussion ensued. Mr. Dusek requested an executive session to discuss current litigation.

Motion was made by Mr. VanNess, seconded by Mr. Tessier and carried unanimously that executive session be declared pursuant to Section 105 (d) of the Public Officers Law.

Executive session was declared from 10:50 a.m. to 11:03 a.m.

Committee reconvened and Mr. Stec advised no action was necessary pursuant to the executive session.

Mr. Stec referred to the motion on the floor prior to the executive session. Mr. Stec called the question and the motion was carried unanimously to authorize the County to settle the pending Article 78 matters involving Alexy et. al. v. Otte (Town of Queensbury Real Property Tax Article and CPLR 78 matters). The necessary resolution was authorized for the next board meeting.

Concluding the Agenda review, Mr. Stec apprised Item 11 was for Finance Committee action that was required on the following items, which were approved by the Personnel Committee: Item Nos. 1C, 1D and 2.

Motion was made by Mr. Belden, seconded by Mr. Tessier and carried unanimously to approve Item 11 as outlined above.

There being no further business to come before the Committee, on motion made by Mr. VanNess and seconded by Mr. Belden, Mr. Stec adjourned the meeting at 11:05 a.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk